

ORDINANCE NO. _____, SERIES 2007

AN ORDINANCE AMENDING SECTION 117.09 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ["LMCO"] RELATING TO SOLICITATION OF PERSONAL PROPERTY FOR CHARITABLE AND CIVIC PURPOSES.

Sponsored By: Councilman Kelly Downard, District 16

Whereas, solicitation of items from the public for a charitable or civic purpose, to be sold, given away, or otherwise distributed, is regulated by LMCO Chapter 117; and

Whereas, regulations regarding solicitation for a charitable or civic purpose include, but are not limited to, the following requirements: a certificate of registration; a law enforcement records check authorization; dates and times of proposed solicitation of contributions; list of five most populous cities in which it has solicited contributions during the previous five years; evidence of third-party liability insurance; and

Whereas, regulations regarding solicitations for a charitable or civic purpose are intended, among other things, to protect the public from fraud; to allow tax deductions for contributors in accordance with federal and state law; and to promote the acquisition of goods by citizens and organizations unable to pay the full retail, market value for them; and

Whereas, it has become customary for many long-standing charitable or civic organizations (that regularly solicit usable items for distribution) to place collection containers at convenient locations in such colors and with such logos and/or lettering that the public has grown to recognize by sight; and

Whereas, collection containers are being placed within the Metro area, bearing the same or similar colors and/or lettering as registered charitable or civic organizations'

containers, thereby lending to contributors' confusion as to the identity of soliciting organizations and their ability to claim tax deductions;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: LMCO 117.09 is hereby amended to read as follows:

§ 117.09 IDENTIFICATION OF REGISTRANT AND CHARITABLE PURPOSE.

(A) All persons, professional solicitors and fundraising consultants, shall exhibit evidence of their certificate of registration at the site of solicitation. ~~The charity for which the proceeds of the public solicitation will be used shall be legibly posted on a~~Any receptacle used for such the purpose of a solicitation as defined in this Chapter shall prominently display on or attached to the receptacle ~~the site of solicitation the~~ following information in a printed or otherwise legible format:

(1) The name of the person; and

(2) The date and number of the certificate of registration held by the person pursuant to LMCO Section 117.02(A); and

(3) A telephonic or electronic contact number for the person; and

(4) Whether, or not, the person is an organization to which contributions are tax-exempt under federal state law.

(B) Persons who are exempt from obtaining a certificate of registration under this Chapter shall also be exempt from the requirements of Section 117.09(A) provided that any receptacle is located within premises owned or controlled by such person. Otherwise, such person shall be required to comply with subsections (1), (3), and (4) of Section 117.09(A).

~~(B)~~ (C) Solicitations, which are conducted on a highway, shall conform to all of the provisions of § 117.11(O).

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

G: Ordinance Requiring Lettering on Collection Containers/acb
G: Ordinance Requiring Lettering on Collection Containers/Redraft/wtw
Ordinance Relating to Solicitations by - Draft 3- wtw, bkn - 26 Nov 2007.doc

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